

## UTILITIES DIVISION[199]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to Iowa Code sections 17A.4, 476.1, 476.1A, 476.1B, 476.1C, 476.2, and 476A.12 and chapters 478 and 479, the Utilities Board (Board) gives notice that on February 3, 2011, the Board issued an order in Docket No. RMU-2011-0001, *In re: Electric and Gas Technical Standards—Updates, “Order Commencing Rule Making.”* The Board is noticing for public comment proposed amendments to 199 IAC 10.12(1), 10.17, 19.2(5)“g,” 19.5(2), 20.3(9), 20.5(2), 20.18(5)“b”(2), 25.1(3), and 25.2(4).

The proposed amendments are primarily updates of technical standards, which are incorporated by reference in current rules. For example, federal pipeline safety standards have been updated to include new federal reporting forms, control center standards, and distribution integrity management regulations. The Board’s federal pipeline safety grant is dependent, in part, on timely adoption of these changes.

Corrective changes are also proposed. For example, the proposed amendment to 199 IAC 20.3(9) reflects the Board’s adoption and implementation of electronic filing. Also, a more substantive change is proposed in new subrule 25.1(3). The definition of utility is expanded in the proposed subrule to include all electric facility owners, which would include transmission-only operators and wind farms that are not utilities under Iowa Code chapter 476. The definitions currently used in 199 IAC 25 implicitly include such nontraditional electric facility owners; the proposed new subrule makes the definition explicit.

Pursuant to Iowa Code sections 17A.4(1)“a” and “b,” any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before March 15, 2011. The statement should be filed electronically through the Board’s Electronic Filing System (EFS). Instructions for making an electronic filing can be found on the EFS Web site at <http://efs.iowa.gov>. Any person who does not have access to the Internet may file comments on paper pursuant to 199 IAC 14.4(5). An original and ten copies of paper comments shall be filed. Both electronic and written filings shall comply with the format requirements in 199 IAC 2.2(2) and clearly state the author’s name and address and make specific reference to this docket. All paper communications should be directed to the Executive Secretary, Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069.

No oral presentation is scheduled at this time. Pursuant to Iowa Code section 17A.4(1)“b,” an oral presentation may be requested or the Board on its own motion after reviewing the statements of position may determine that an oral presentation should be scheduled.

The Board does not find it necessary to propose a separate waiver provision in this rule making. The Board’s general waiver provision in 199 IAC 1.3 is applicable to these amendments.

These amendments are intended to implement Iowa Code sections 476.1, 476.1A, 476.1B, 476.1C, 476.2, and 476A.12 and chapters 478 and 479.

The following amendments are proposed.

ITEM 1. Amend subrule 10.12(1) as follows:

**10.12(1)** All pipelines, underground storage facilities, and equipment used in connection therewith shall be designed, constructed, operated, and maintained in accordance with the following standards:

*a.* 49 CFR Part 191, “Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports,” as amended through ~~August 19, 2009~~ [insert the effective date of this amendment].

*b.* 49 CFR Part 192, “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards,” as amended through ~~August 19, 2009~~ [insert the effective date of this amendment].

c. 49 CFR Part 199, “Drug and Alcohol Testing,” as amended through ~~August 19, 2009~~ [insert the effective date of this amendment].

d. ASME B31.8 - 2007, “Gas Transmission and Distribution Piping Systems.”

e. ~~199 IAC 9~~ 199—Chapter 9, “Restoration of Agricultural Lands During and After Pipeline Construction.”

f. At railroad crossings, ~~199 IAC 42.7(476)~~ 199—42.7(476), “Engineering standards for pipelines.”

Conflicts between the standards established in paragraphs 10.12(1)“a” through “f” or between the requirements of rule 199—10.12(479) and other requirements which are shown to exist by appropriate written documentation filed with the board shall be resolved by the board.

ITEM 2. Amend rule 199—10.17(479) as follows:

**199—10.17(479) Accidents and incidents.** Any pipeline incident or accident which is reportable to the U.S. Department of Transportation under 49 CFR Part 191 as amended through ~~August 19, 2009~~ [insert the effective date of this amendment], shall also be reported to the board, except that the minimum economic threshold of damage required for reporting to the board is \$15,000. Duplicate copies of any written accident reports and safety-related condition reports submitted to the U.S. Department of Transportation shall be provided to the board.

ITEM 3. Amend paragraph **19.2(5)“g”** as follows:

g. *Reports to federal agencies.* Copies of reports submitted pursuant to 49 CFR Part 191 as amended through ~~August 19, 2009~~ [insert the effective date of this amendment], “Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports,” shall be filed with the board. Utilities operating in other states shall provide to the board data for Iowa only.

ITEM 4. Amend subrule 19.5(2) as follows:

**19.5(2) Standards incorporated by reference.**

a. The design, construction, operation, and maintenance of gas systems and liquefied natural gas facilities shall be in accordance with the following standards where applicable:

(1) 49 CFR Part 191, “Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports,” as amended through ~~August 19, 2009~~ [insert the effective date of this amendment].

(2) 49 CFR Part 192, “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards,” as amended through ~~August 19, 2009~~ [insert the effective date of this amendment].

(3) 49 CFR Part 193, “Liquefied Natural Gas Facilities: Federal Safety Standards,” as amended through ~~August 19, 2009~~ [insert the effective date of this amendment].

(4) 49 CFR Part 199, “Drug and Alcohol Testing,” as amended through ~~August 19, 2009~~ [insert the effective date of this amendment].

(5) ASME B31.8 - 2007, “Gas Transmission and Distribution Piping Systems.”

(6) NFPA 59-2008, “Utility LP-Gas Plant Code.”

(7) At railroad crossings, ~~199 IAC 42.7(476)~~ 199—42.7(476), “Engineering standards for pipelines.”

b. The following publications are adopted as standards of accepted good practice for gas utilities:

(1) ANSI Z223.1/NFPA 54-2009, “National Fuel Gas Code.”

(2) NFPA 501A-2009, “Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities.”

ITEM 5. Amend subrule 20.3(9) as follows:

**20.3(9) Petition for modification of service area and answers.** An exclusive service area is subject to modification through a contested case proceeding which may be commenced by filing a petition for modification of service area with the board. The board may commence a service area modification proceeding on its own motion.

Any electric utility or municipal corporation may file a petition for modification of service area which shall contain a legal description of the service area desired, a designation of the utilities involved in each boundary section, and a justification for the proposed service area modification. The justification shall include a detailed statement of why the proposed modification is in the public interest. A map showing the affected areas which complies with ~~subrule paragraph~~ 20.3(11) “a” shall be attached to the petition as an exhibit. ~~The petition shall be delivered by the United States Postal Service or personal service and shall be considered as filed with the agency on the date of the postmark or the date of personal service.~~

~~Copies of the petition shall be served on all utilities involved and the consumer advocate. Those utilities and the consumer advocate shall be parties of record to the proceeding. Filing of the petition with the board, and service to other parties, shall be in accordance with 199—Chapter 14.~~

All parties shall file an answer which complies with 199—subrule 7.5(1).

ITEM 6. Amend subrule 20.5(2) as follows:

**20.5(2) *Standards incorporated by reference.*** The utility shall use the applicable provisions in the publications listed below as standards of accepted good practice unless otherwise ordered by the board.

- a. Iowa Electrical Safety Code, as defined in ~~199 IAC Chapter 25~~ 199—Chapter 25.
- b. National Electrical Code, ANSI/NFPA 70-2008.
- c. American National Standard Requirements for Instrument Transformers, ANSI/IEEE C57.13.1-2006; and C57.13.3-~~2006~~ 2005.
- d. American National Standard for Electric Power Systems and Equipment Voltage Ratings (60 Hertz), ANSI C84.1-2006.
- e. Grounding of Industrial and Commercial Power Systems, IEEE 142-2007.
- f. IEEE Standard 1159-~~1995~~ 2009, IEEE Recommended Practice for Monitoring Electric Power Quality or any successor standard.
- g. IEEE Standard 519-1992, IEEE Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems or its successor standard.
- h. At railroad crossings, ~~199 IAC 42.6(476)~~ 199—42.6(476), “Engineering standards for electric and communications lines.”

ITEM 7. Amend subparagraph **20.18(5)“b”(2)** as follows:

(2) When recording interruptions, each electric utility, other than those providing only wholesale electric service, shall use detailed standard codes for interruption analysis recommended by the United States Department of Agriculture, Rural Utilities Service (RUS) Bulletin ~~1614~~ 1730A-119, Tables 1 and 2, including the major cause categories of equipment or installation, age or deterioration, weather, birds or animals, member (or public), and unknown. The utility shall also include the subcategories recommended by RUS for each of these major cause categories.

ITEM 8. Adopt the following **new** subrule 25.1(3):

**25.1(3) *Definition of utility.*** For the purpose of this chapter, a utility is any owner or operator of electric or communications facilities subject to the safety jurisdiction of the board.

ITEM 9. Amend paragraph **25.2(4)“a”** as follows:

a. *Joint-use construction.* Where it is mutually agreeable between ~~the electric supply company and the~~ an electric utility and a communication or cable television company, communication circuits or cables may be buried in the same trench or attached to the same supporting structure, provided this joint use is permitted by, and is constructed in compliance with, the Iowa electrical safety code.